

VZCZCXRO9369  
OO RUEHCHI RUEHDT RUEHHM RUEHNH  
DE RUEHGO #1588/01 2980838  
ZNY CCCCC ZZH  
O 250838Z OCT 06  
FM AMEMBASSY RANGOON  
TO RUEHC/SECSTATE WASHDC IMMEDIATE 5328  
INFO RUCNASE/ASEAN MEMBER COLLECTIVE  
RUEHBJ/AMEMBASSY BEIJING 1201  
RUEHBY/AMEMBASSY CANBERRA 9971  
RUEHKA/AMEMBASSY DHAKA 4378  
RUEHLO/AMEMBASSY LONDON 1842  
RUEHNE/AMEMBASSY NEW DELHI 3578  
RUEHFR/AMEMBASSY PARIS 0539  
RUEHUL/AMEMBASSY SEOUL 7070  
RUEHKO/AMEMBASSY TOKYO 4686  
RUEHCI/AMCONSUL CALCUTTA 0948  
RUEHCN/AMCONSUL CHENGDU 0952  
RUDKIA/AMCONSUL CHIANG MAI 0695  
RHHMUNA/CDR USPACOM HONOLULU HI  
RUEHGV/USMISSION GENEVA 2905  
RHEHNSC/NSC WASHDC  
RUCNDT/USMISSION USUN NEW YORK 0562  
RUEKJCS/SECDEF WASHDC  
RUEHBS/USEU BRUSSELS  
RUEKJCS/JOINT STAFF WASHDC

C O N F I D E N T I A L SECTION 01 OF 02 RANGOON 001588

SIPDIS

SIPDIS

STATE FOR EAP/MLS; PACOM FOR FPA; GENEVA FOR LABOR  
ATTACHE:JCHAMBERLAIN

E.O. 12958: DECL: 10/24/2016

TAGS: [ELAB](#) [ECON](#) [PGOV](#) [PHUM](#) [BM](#)

SUBJECT: ILO SPECIAL ADVISOR DEPARTS BURMA EMPTY HANDED

REF: RANGOON 1518

RANGOON 00001588 001.2 OF 002

Classified By: Poloff Dean Tidwell for Reasons 1.4 (b) and (d)

11. (C) SUMMARY: ILO Special Advisor Francis Maupain briefed us on his unsuccessful negotiations with GOB officials on October 20-21 to try to establish a credible mechanism for ILO investigations of forced labor complaints. After reaching tentative agreement with the GOB permitting the ILO unfettered access to forced labor complainants, the Burmese scuttled the agreement by refusing to budge on minor issues. The ILO told the Minister of Labor that, absent agreement, the ILO might refer the case of Burma to the UN or the ICJ. The Labor Minister claimed that he lacked orders to show more flexibility in negotiating with the ILO. END SUMMARY.

12. (C) ILO Special Advisor Francis Maupain briefed us on his October 20-21 meetings with the Minister of Labor. He came to Rangoon only after the Minister of Labor gave clear signals to ILO's Rangoon Liaison Officer Richard Horsey that the GOB was ready to finalize an agreement on a credible mechanism for the ILO to investigate forced labor complaints (reftel).

13. (C) The ILO sought recognition from the GOB that the ILO liaison officer would have private, confidential access to forced labor complainants and that the GOB would not persecute complainants, even if their complaints turned out to be baseless. The ILO also wanted assurances from the GOB that the ILO liaison officer could travel freely in Burma in a timely manner, that the liaison officer could attend forced labor trials, that the GOB would report back regularly to the ILO on its follow up investigations, and that the ILO liaison office in Rangoon could increase staff to meet a possible increased workload in the future.

¶4. (C) At the initial meeting on October 20, the Minister of Labor raised objections to the ILO proposal on the grounds that it was incompatible with Burmese laws for a foreign official to have investigative power. However, he appeared ready to be more interactive than during previous meetings, according to Maupain. After further discussion, he referred Maupain and Horsey to his labor working group to discuss details of an agreement.

¶5. (C) The meeting with the working group began positively. The GOB objected initially to the ILO's position on access to complainants, insisting that any assessment by the liaison officer be a "joint assessment" with GOB representatives present. When the ILO said this was unacceptable, the working group pushed for a GOB representative to be allowed to interview all complainants immediately after they met with ILO officials. When Horsey and Maupain rejected this, too, the GOB agreed that the ILO could make its own assessment visits and Burmese officials would conduct their own assessments after the ILO reported its conclusions to the GOB.

¶6. (C) When the ILO team met with the working group the next day, the GOB had hardened its position. The Burmese negotiators balked at the provision in the draft agreement to allow the ILO to increase its presence in Burma should conditions require it, and asked the ILO to delete this clause from the agreement. ILO refused, but tried to soften its demand by stressing that additional staff would not be required immediately, only as workload increased. The working group refused to accept ILO's assurances, but indicated that the GOB would issue new visas "if necessary."

¶7. (C) Another sticking point was the length of the letter's "probationary period." The ILO recommended an 18-month

RANGOON 00001588 002.2 OF 002

period to review progress, but the Burmese negotiators insisted it should last no more than six months. The ILO tried to get the working group to be flexible by suggesting "no less than six months and no more than 18 months." The talks concluded without agreement on this issue.

¶8. (C) The ILO team surmised that the Burmese negotiators may have felt they gave away too much on ILO access on October 20, and raised the stakes on other issues to scuttle the talks. When it became clear that the ILO team would not compromise, the working group tried to retract its earlier agreement to allow ILO to make independent assessments, returning to their old negotiating points. The Deputy Minister of Labor concluded the meeting by referring to the GOB's initial negotiating position, while stressing that negotiations could not continue until he reported to his government.

¶9. (C) The ILO team met again with the Minister of Labor on October 21, who said he understood the consequences if Burma did not comply with the ILO's offer. The minister told Maupain that the GOB was ready to face any charges that ILO workers' groups might lodge with the International Court of Justice, and was already preparing its own defense. The minister concluded the meeting by confirming that he had been instructed to hold his current position, but agreed that he would try to obtain "different instructions." Maupain departed Rangoon on October 24, after the Minister of Labor sent a message stating that he had not received any new instructions.

¶10. (C) COMMENT: Permitting ILO unfettered access to complainants would have been a welcome step forward and created a positive mood for the upcoming planned visit by UN U/SYG Gambari. By refusing to agree to increased ILO staffing, the GOB likely thought they could effectively restrict access since the lone ILO representative here now would become quickly overwhelmed based on the continuing forced labor reports we receive. Once again, the regime's

desire to control trumps any desire to show willingness to cooperate with the international community. We congratulate the ILO on insisting they have real access rather than settling for paper access. END COMMENT.  
VILLAROSA